

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:94-HC-392-BR

UNITED STATES OF AMERICA)
)
)
)
)
)
)
)
STANLEY A. SLUPKOWSKI)
)
)

ORDER

This matter is before the court on three pro se motions: (1) a 3 December 2007 “motion for non-participation in pre-hearing 3 Dec 2007;” (2) a 17 December 2007 motion for change of venue to the District of Columbia; and (3) a 17 December 2007 “motion for the response for court order of 4 Dec 2007, EDNC Britt[.]” which the court construes as a motion for respondent’s discharge.

As respondent acknowledges in his motion to transfer venue, 28 U.S.C. § 1404(a) permits the court to transfer a case to another district “[f]or the convenience of parties and witnesses[.]” However, because the sole issue before this court is whether respondent continues to meet the criteria for a civil commitment ordered by this court under 18 U.S.C. § 4246, and none of the evidence and witnesses who are relevant to that issue – including respondent and psychiatrists and/or psychologists who have examined respondent – are located in the District of Columbia, the court concludes that a transfer of venue would be inappropriate. The motion is DENIED.

As to the motion for discharge, as this court has previously held, (2/8/07 Order at 3), 18 U.S.C. § 4246 provides that such a motion may be filed only by respondent’s counsel¹ or legal guardian. Because respondent filed the motion pro se, it is DENIED. The motion for non-

¹ Respondent is currently represented by the Office of the Federal Public Defender with regard to his civil commitment.

participation in the 3 December 2007 “pre-hearing” is DENIED AS MOOT.

This 3 January 2008.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge

usa/sas/tec